REMARKS

Amendments to the Claims

Claims 1-9 are withdrawn following an election with traverse mailed December 16, 2005.

By this amendment, claim 10, 17 and 18 are hereby canceled without prejudice.

New claims 19-25 have been introduced and claims 11-16 amended without prejudice to recite preferred embodiments of applicants invention that are more clearly differentiated from the prior art.

Support is provided at page 5, lines 5-18; page 8, lines 28-32; page 12, lines 13-20, page 19, lines28 to page 20, line11; page 23/24 - example 1F, page 27 - example 2; page 31 original claims 2-3.

The Present Invention

The present invention is directed to food product incorporating a fermentation product made by fermenting predominantly soy bean ingredients with statins producing fungus.

Applicants have developed a fermentation process based on the use of substrates predominantly based on soy ingredients in combination with specific fungi and process additives that yields fermentation product containing statins and various "soy actives" such as polyphenols (e.g., isoflavones). These ingredients are useful in lowering serum cholesterol. Importantly, the fermentation products of the invention are

intrinsically light in color in contrast to prior art fermentations. The fermentation products of the invention are highly suitable for incorporation in food products which applicants' have found to be excellent vehicles for the administration of these beneficial ingredients as they do not detract from their aesthetics properties.

Claims Rejection – 35 USC § 112

Claim 14 was rejected under 35 USC 112 second paragraph as being indefinite. Claim 14 has been amended to specify wt% as the relative unit of concentration.

Claim Rejections - 35 USC § 102

Claims 10-18 were rejected under 35 USC §102(b) as being anticipated by WO 99/23996 (WO '996). Applicants submit for the reasons set forth below that their amended claims are not anticipated by WO '999 because the recited claims contain elements and limitations not disclosed in the cited prior art reference.

WO '996 discloses a red rice product which is a <u>highly colored product</u> (see page 8, line 11) formed by the fermentation of <u>rice</u> in the presence of certain strains of monascus fungus. The fermentation products are disclosed as dietary supplements or therapeutic medicaments, i.e. where their deep red-purple color is not a negative.

All the examples in WO '996 are based on a substrate that is predominantly rice. WO '996 includes a miner amount of soy powder as a nitrogen source but the soy level disclosed is never above about 13%, e.g., page 19 - example 1. Thus, WO '996 does not disclose a food product containing a fermentation product based on a substrate that is predominantly soy ingredients.

In contrast, applicants claims are directed to food products containing fermentation products <u>predominantly based on soy ingredients</u> (>50% - claim 19, >80% - claim 20, substantially crushed whole soybeans - claim 21).

As to the claimed color, the Office pointed out that WO '996 teaches extraction with ethanol and asserts that because of this the color obtained in the "anticipatory composition" must be the same as that claimed. However, applicants respectfully point out that extraction of red rice with ethanol will actually yield an extract with higher color intensity than the fermentation product itself. Hence, the application of appreciable amounts of such an ethanol extract in a food product will inevitably yield a food product with a Hue a* value of more than 20.

This is demonstrated in the attached article by Youngsmith et al who found that mutagenesis of *Monascus* strain and successive isolation <u>improved the yield of pigment product</u>. ("Color mutants of Monascus sp KB9 and their comparativer glucoamylases on rice solid culture", J. Mol. Catalysis B Vol 20, p263 (2000)). In paragraph 2.3 it is described how pigment concentration in red rice samples was determined. The analysis described comprises extraction of the red rice samples with 50% ethanol, followed by solids removal and spectroscopic analysis. Clearly this shows that the pigments present in red rice are effectively extracted by ethanol. Consequently, extraction with ethanol and subsequent drying (as taught in WO '996) actually serves to concentrate the pigments and thereby to increase color intensity.

Further, applicants respectfully draw the Examiners attention to the color measurement results of ethanol extracts of a fermentation product according to the invention given in Example 1 (page 23, line 18 to page 24, lines 5) compared with ethanol extracts of comparative examples A and B (page 26) of ethanol extracts employing red rice fermentation (i.e., WO '996). It is seen that the Hue a* values of the

comparative red rice extracts according to the prior art are both greater than 50 while the extracts according to the invention are less than 1.

In contrast, the ethanol extraction described in the present application is not employed to remove color intensity of the fermentate because there is no need to remove color from the fermentate as the fermentate according to the present invention, unlike red rice, has low color intensity.

WO '996 is directed specifically to products that are used as dietary supplements or therapeutic medicaments. WO '996 is silent with respect to the inclusion of the red rice fermentation products in margarine, dressing, sweet, bar meal replacer, breakfast cereal or beverage.

In contrast applicants' claim 24 specifically recites the incorporation of the fermentation products of the invention in a food product that is margarine, dressing, sweet, bar meal replacer, breakfast cereal or beverage. These are foods and not food supplements or medicaments.

As regards the presence of vegetable oil recited in claim 22 of the invention, the vegetable oil is present as part of the fermentation medium which as shown by applicants increases the yield of statins. In contrast WO '996 discloses vegetable oil as an optional vehicle for liquid preparations employing the red rice fermentation product. That is, the vegetable oil taught in WO '996 is not part of the fermentation medium.

Based on the above arguments, applicants submit that WO '996 does not contain all the elements and limitations present in applicants' claimed invention and thus is not anticipated by WO '996. Consequently, applicants respectfully request that the 102(b) rejection be reconsidered and withdrawn and that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,

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Enclosure

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Color mutants of *Monascus* sp. KB9 and their comparative glucoamylases on rice solid culture

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Abstract

Monarcus sp. KB9 strain was used to convert carbohydrate base agricultural commodities to value added pigments, Mutagenesis of this strain using UV light and successive isolation was found to improve the yield of pigment product. As a result, two hyper pigment productive strains, red and yellow mutants were obtained. In addition, one white mutant was also obtained. These color mutants together with their parental strain were used to compare glucoamylase production in rice solid culture. Initial moisture content of rice at 35-43% is found to affect glucoamylase of these four strains. It is noteworthy that the white mutant which lost its ability to produce pigment and revealed morphology indifference to its parental strain could produce the bighest glucoamylase enzyme at 4.07 × 10³ U/gdw (units per gram-dry weight). This is about 3, 7, and 16 times higher than the wild type strain, red, and yellow mutants, respectively. The crude enzyme showed its thermophilic property at optimal temperature, 65°C, and its optimal pH, 4.7. © 2000 Elsevier Science B.V. All rights reserved.

Keywords: Enzyme synthesis: Glucoomylase: Monascur spp. color mulants

1. Introduction

Rice is one of the major agricultural exporting products of Thai economic importance. This primary product could serve as the sustainable raw materials for secondary value-added products through fermentation of Monascus molds. Strain improvement, Monascus sp KB9 [1] strain was performed using various kinds of mutagenesis [2]. This resulted in three color mutants: red [2], yellow [3], and white [4]. Generally, Monascus converts carbohydrate to pigment as well as glucoamylase [5]. Our research revealed the comparative production of glucoamylase of the three color mutants and their parental strain on rice solid culture. This information is valuable for broadening the applications of the Monascus spp. for more value-added product besides its pigmentation.

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2. Experimental

2.1. Microorganisms and cultivation

Monarcus sp. KB9, a potent cassava starch utilizing isolate for red pigment and glucoamylase production [1], was used as a parental strain for stepwise mutagenesis. The medium used for culture maintenance was MYS agar [3,6]. UV irradiation was used for mutagenesis. Solid culture media used for study on cultural characteristics were MYS [6], SS [6], GYP, and Potato Dextrose Agar (PDA). GYP medium is composed of 4% glucose, 1% yeast extract and 0.5% peptone.

2.2. Isolation of hyperpigment production mutants

Monascus sp. KB9 was used as a parental strain. It was cultured at 30-32°C for 10 days on medium C [7]. Conidia formed were collected and suspended in sterilized water. Ten milliliters of spore suspension were exposed to UV light at various time (0, 10, 15, 25, up to 60 min). The survival curve of conidia was shown in Fig. 1,

2.3, Solid-state fermentation of Monascus sp.

A local, non-sticky rice, Kao-Horn Mali cultivar was used throughout the experiments. All

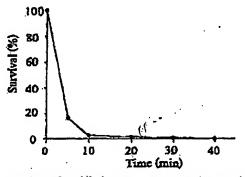


Fig. 1. Survival of conidia in *Manageus* sp. KB9. Treated with UV-tradiation.

strains were incubated on moistured rice in Erlenmeyer flasks for 18 days at 30°C. The preparation of rice medium for solid culture was as follows: dehulled rice was soaked in tap water for 2 h. After the water was removed, the soaked rice was drained for 5–10 min and then a 500-ml flask containing 100 g rice was autoclaved for 15 min at 121.5°C and cooled to room temperature. Sterile distilled water of 0, 5, 10, and 20 ml were added into the flasks to adjust initial rice moisture content to 32%, 35%, 38% and 43%, respectively. Two milliliters of 106 spores/ml of Monascur molds were inoculated.

2.4. Extraction

The fermented rice was extracted at verious times by the method described elsewhere [8,9]. Ten grams of samples were blended with 90 ml of distilled water in a Waring blender for 1 min. Forty milliliters of water was added to 10 ml of the blended mash, and extracted on a rotary shaker at 120 mm for 30 min, followed by centrifugation at 10,000 mm for 20 min. The supernatant was used for determination of glucoamylase activity, glucose, and ethanol concentrations.

2.5. Estimation of pigment concentration

The pigment concentration was measured by spectrophotometry at 370, 420 and 500 nm for yellow, orange and red pigments, respectively. Pigment in red rice samples corresponding to 1 g of initial rice substrate was extracted with 39 ml of 50% ethanol for 3 h on rotary shaker (300 rpm). The extract was then centrifuged for 15 min to remove suspended solids and the supernatant was analyzed by a spectrophotometer (UV-240, Shidmadzu, Kyoto) against a 50% ethanol blank. The moisture content of rice samples was determined by heating the fermented rice in a hot air oven overnight at 105°C and measured weight loss.



2.6. Glucoamylase activity

The glucoamylase activity was routinely assayed by the determination of reducing sugars liberated in the reaction mixture in 20 min at 55°C. The reaction mixture contained 0.5 ml of the enzyme solution and 0.5 ml of boiled 1% soluble starch in 0.05 M (final concentration) acetate buffer pH 4.7. The reducing sugar liberated was determined [10,11] using UV-240 spectrophotometer at 520 nm absorbance. Glucose was used as a standard. One unit of the glucoamylase was defined as the amount of enzyme to liberate reducing sugar equivalent to 1 µg of glucose/ml in 1 min at 55°C.

2.7. Protein determination

Protein content was determined [12] using bovine serum albumin (BSA) as a standard. The protein content in the column cluates was measured by the absorbancy at 280 nm.

2.8. Effect of temperature and pH on the enzyme activity and stability

Glucoamylase and activity was examined at different temperatures (30-70°C) and pH range [3-11] in the 0.05 M citrate phosphate buffer, pH 3.0-8.0, and 0.05 M phosphate buffer, pH 8.0-11.0. The stability of these enzymes was also investigated. The stability of pH was determined under the standard method after the treatment at desired pHs for 60 min at 30°C. The temperature stability was also performed under the standard method after the treatment at desired temperatures for 30 min.

2.9. Partial purification of glucoamyluse of white mutant of Monascus sp. KB9

The crude enzyme was obtained from the filtrate of 9-day culture of white mutant on rice. This was obtained by extracting the mold rice solids with three volumes of tap water for 2 h at

room temperature. The extract was then filtrated and centrifuged at 10,000 rpm for 20 min at 4°C. The crude enzyme could efficiently digest soluble starch and cassava starch.

Crude enzyme was then mixed with 0.05 M acetate buffer pH 4.7 at the ratio 1:9 and left for 30 min. Some part of protein together with pigments were precipitated and then centrifuged at 10,000 rpm for 15 min at 4°C. The cleared crude enzyme solution was concentrated by 20-40%, 40-60%, and 60-80% ammonium sulfate precipitation. The concentrated enzyme was dialysed in 0.05 M acetate buffer, pH 4.7 at 4°C for 12 h before being applied on a DEAE-cellulose column (2 × 9 cm) equilibrated with the same buffer. The enzyme was eluted from the column with stepwise buffer solutions containing 0.05 and 0.5 M KCl at the flow rate of 30 ml/h.

3. Results and discussion

3.1. Mutagenesis for various color mutants

Mutagenesis had the most effect on hyperpiga mentation of Monascus spp. [2,7,13]. UV treatment was found to be the best method for improvement of Monascus spp. [2,7]. One of the primary mutants, strain KB10M16, provided two-fold increase in the concentration of red pigments. Whereas one of the secondary mutants, strain KB20M10.2, generated from KB10M16, showed yellow zone around its colony and provided six-fold increase in the concentration. The only primary white mutant, strain KB20M1, was obtained in 1992. The single white mutant was generated from the wild type, Monascus sp.KB9. All of these phenomena are shown in Fig. 2. Maximum absorption spectra of extracellular pigments are shown in Fig. 3. Pigments in the media of wild type cultivation showed double peaks of absorption spectra (A₄₂₀ and A₅₀₀), whereas multipeaks (A₃₇₀, A₄₂₀, and A₅₀₀) were observed in the

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pigment-producing medium of red mutant. It was noted that single peak of A₃₇₀ was observed in the pigment producing medium of yellow mutant while no peaks appeared in the pigment producing medium of white mutant. These differences in pigment peaks among four strains obtained under the same optimal conditions: SS medium [3,6] 7 days cultivation at 28°C at agitation speed of 300 rpm.

3.2. Cultural and morphological characteristics

Various media was used to examine cultural characteristics. In addition to different pigment production, *Monascus* sp. KB9 and its white mutant posed similar cultural characteristics and able to grow abundantly on different media, e.g. MYS, SS, PDA, and GYP, with aerial lava mycelia of the same colonial sizes. Contrarily, red and yellow mutants showed smaller colonial size with short mycelia. Both mutants grew weakly on PDA. These two mutants, however, could excrete remarkable soluble pigment around their colonies (Table 1).

Under the microscopic observation, the wild type and its white mutant showed similarity in size of colonies and characteristics of mycelia, conidia, and cleistothecia, whereas the red and yellow mutants posed smaller size of mycelia, cleistothecia and less amount of conidia (Table 2).

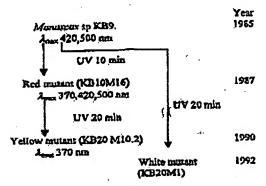


Fig. 2. Generalusy of cosmon-utilizing Monatous mutants.

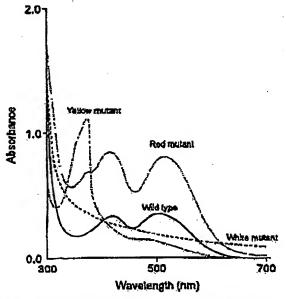


Fig. 3. Absorption spectra of pigments produced by wild type, red, yellow and white mutants. These spectra were measured in 50% ethanol.

3.3. Comparative glucoamylase activity among color mutants and their parental strain on rice solid culture

Initial moisture content in the solid substrate is one of the key factor affecting glucosmylase activity as well as pigmentation of the Monascus. We have adjusted the water concentration in the rice substrate at 32%, 35%, 38% and 43%, respectively. At the lowest initial moisture content of 32%, Monascus had low glucoamylase activity and slowly liberated glucase. This resulted in the lowest pigmentation for wild type strain, red and yellow mutants (Pig. 4). At higher initial rice moisture content, higher glucosmylase activity was produced, more and more glucose was liberated. Most glucose liberated from glucoamylase activity was found maximum at 43% of the initial rice moisture content in all strains. The amount of such glucose is about 10-18.5% at 6 to 9 days of incubation and later decreased to their minimum at 0.5-1.0% (Fig. 4). This provided

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Table 2
Morphological characteristics of wild type of Monoscur sp. KB9 and its mutants on cassava-toybean (SS) sgar after 7 days of cultivation

Structure -	Size (µm) and characteristics				
	Wild type	Red muisul	Yeliow mutani	White mulant	
Mycelium Sizo Pigmeni Siape	3.8–5.5 Hysline, red thin, long branched	3.8–5.6 Red thick, short branched	5.0-7.7 Oinnge-yellow Orick, short branched	3.0-5.0 Non-pigment thin, long branched	
Conidium Size Pignoni Number/chaîn Shape	5.1–10.0 Hyaline 1–12 Obpyriform-globose truncate base, thin	3.8–8.0 Hyaline : 1–3 Obpyziúmi-globuse truncate base, filin	6.4–10.3 Hyaline 1–4 Obpyriform-globose inmesic base, thin	7.0–11.5 Hyaline 3–14 Obsydform-globose truncate base, thin	
Cleistothectum Size Pigment	30–38.5 Globose red	12.8-30.5 Globoso red	17.9-28-2 Globose yellow	25.0–46.0 Globose, non-pigment	

mycelial growth, pigments or some other metabolites. Red, as well as yellow, mutants could produce their maximum glucosmylase at 43% initial rice moisture culture while their pigmentation was at maximum at lower initial moisture content at 38%. Unlike these two color mutants, their wild type strain could produce the highest glucoamylase activity and pigmentation at the same initial single moisture content at 38%.

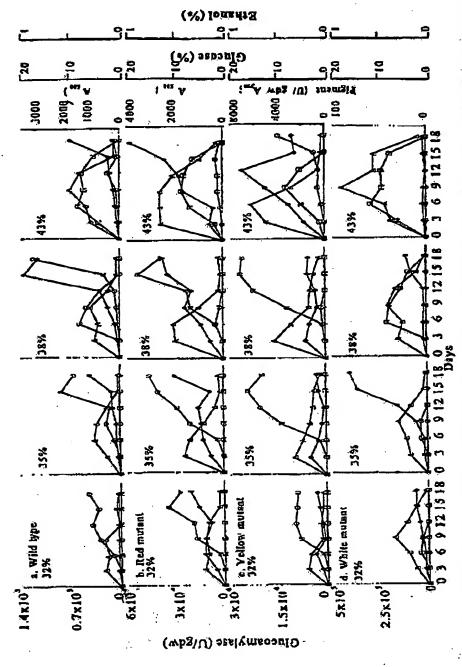
It showed that each strain presented individual initial moisture content. Too much water reduced substrate porosity, deformed the strucnure of rice granule and caused stickiness of the substrate, leading to reduce O2 transferred. Solid rice culture in sealed humid flasks where the air ventilation was poor, the CO2 accumulated and promoted ethanol synthesis. Both CO2 and ethanol could affect pigmentation. Han and Mudget [14] reported that the partial pressure of O2:CO2 at 0.50:0.02 was optimum for pigmentation in rice solid culture. Nevertheless, Lotong and Suwanarit [9] reported that at higher rice initial moisture content at 39.6%, Monascus sp. NP1, could liberate high glucose at 11.8% and produce ethanol at 7% that can inhibit pigmenmation. Our experiments found that glucose accumulated high amount at 10% to 18.5% in the highest 43% initial rice moisture content. Ethanol accumulated in parallel with glucose accumulation. Noticeably, ethanol accumulated in tiny amounts not more than 0.6%. Both glucose and ethanol were decreased and consumed up by Monascus. Ethanol could not be detected in the initial rice moisture content at lower concentration (32% and 35%) of the three color strains. However, despite aeration in submerged cultivation, large amounts of ethanol were produced when 5% carbon source was used [15]. Alternatively, ethanol has been found as better substrate for pigmentation than maltose for M. purpureus [16]. However, Han [17] and Johns and Stuart [18] found that initial rice moisture content less than 40% gave less pigmentation, but that of 50-56% could give the highest pigmentation within 8 days. We would like to suggest that each Monascus strain has its own individual optimum imitial rice moisture content for either pigmentation or glucoamylase activity or both. Prevention of undesirable airtight condition of the solid rice culture in combination with optimization of another key factors such as temperature would improve any product of the Monascus. Our study also suggested that at the proper water concentration in the solid rice substrate between 35% and 43% 

Fig. 4. Time-course of bischemical charges at various rice moissure contents of color mutants and paremal strain at 12%, 35%, 18%, 43% taylish the moissure content. Glucosmylase; A. glucose; O. plenent; C., efluttol.

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was found to enhance the glucoamylase activity of these Monascus molds. Contrarily to the three color strains, the white mutant which could not produce any pigment but could produce glucoamylase at very high yield up to 4.07×10^{5} U/gdw (units per gram-dry weight). This glucoamylase obtained from white mutant was 3, 7, and 16 times of those obtained from the wild type, red and yellow mutants, respectively. Glucose liberated at 32%, 35%, and 38% initial moisture by all color strains was found at similar content at less than 10% but it increased to more than 10% at 43% initial rice moisture content where their pigmentation was minimum. However, all glucose and ethanol liberation was further decreased and consumed up by the white (albino) mutant and was then converted to the other metabolites, e.g. malic acid [19], antibiotics [20], and fat [21], as previously reported instead of pigment production by the other color strains including wild type.

3.4. Effect of temperature and pH on the glucoamylase enzyme activity and stability

Fig. 5 showed the profile of temperature and pH on activity and stability of glucoamylase of white mutant. The crude enzyme exhibited the maximum activity at 65°C and pH at 4.7. Thermostability of enzymes was measured after incubating the enzyme glucoamylase at pH 4.7 at

various temperature for 30 min. The remaining activities were examined under the standard assay condition. The results shown in Fig. 5a indicated that enzyme was stable at temperature below 50°C. However, the glucoamylase was fully stable up to 50°C, about 75% of activity remained at 60°C, and about 5% remained at 65°C and completely lost at 70°C.

pH stability of the enzyme showed that glucoamylase was stable over the pH range of 3-8 with its optimum at pH 4.7. Especially for glucoamylase, more than 75% of its activity remained at pH 2.2 or 9 and almost lost at pH 10.6.

Hydrolysis products of soluble starch was identified by thin-layer chromatography followed the method of lizuka and Mineki [5]. It was found that glucose was only a liberated product and no other oligosaccharides could be found in all sample tests after 10, 20, and 30 min of hydrolysis.

3.5. Partial purification of glucoamylase of white mutant (KB20M1)

We reported here the partial purification of the glucoamylase of the white mutant. The dialyzed solution was applied to a DEAE column (2 × 9 cm). The column was eluted with the same buffer (0.05 M acetate buffer, pH 4.7) at a flow rate of 30 ml/h and 3-ml fractions were

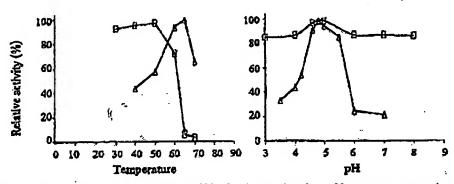


Fig. 5. Effects of temperatures and pH on the activity and stability for glucountyless from white mutant. To determine the effects of pH, different buffer solutions were used as explained in the text. Symbols: a activity, D, stability.

collected. There were two peaks of proteins found at 3-7 and 13-20 fractions but only single active component of glucoamylase (fraction 13-20) was separated by this process. These partial purified glucoamylase showed its activity toward both soluble and raw starch as same as crude enzyme.

4. Conclusions

Intitial rice moisture content at 35-43% (w/w) was found to be one of the major factors affected glucoamylase activity as well as pigmentation of four Monascus comprising one parental strain and its three closely color mutants. Even though they posed distinguished characteristics on morphology and pigmentation, they favoured individual specific initial rice moisture content for glucoamylase or pigmentaion. Red and yellow mutants favoured the highest initial rice moisture content at 43% for glucoamylase activity and accumulated high glucose with some ethanol that could inhibit their pigmentation to some extent, while wild type strain favoured initial rice moisture content at 38% for its glucoamylase as well as pigmentation. Unlike these three strains, white mutant cannot synthesize any pigment, however, it synthesizes glucoamylase while it liberates higher amount of glucose and ethanol at all levels of initial rice moisture contents (32%, 35%, 38%, 43%), while other color strains could liberate ethanol only at 38-43%. Surprisingly, this white mutant gave the highest glucoamylase activity of 4.07×10^5 U/gdw at 3, 6, and 17 times of those of wild strain, red and yellow mutants, respectively. Its crude enzyme as well as partially purified glucosmylase showed the highest activity at pH 4.7 and 65°C. These enzymes could digest soluble starch as well as raw starch. Even though intensive puffication of glucoamylase is needed, the study on raw starch digestion is in progress. Remarkable glucoamylase activity of white mutant using low moisture content solid culture indicates possibility for low process costs. This white mutant may offer economically favourable alternative for glucoamylase applicable to other carbohydrate substrates available for the country.

Based on the morphological study of parental strain on various culture media, Monascus sp. KB9 seems to be similar to M. purpureux. However, the fungus was considered as M. kaoliang using biochemical test on growth resistance to 30% ethanol and 6% NaCl [22]. The taxonomy study of this fungus using RAPD assay and electrophoretic karyotyping technique [23] were used to confirm that Monascus sp. KB9 is M. purpureus. Further study on transformation of Monascus using chromosome-specific fragments carrying putative color gene(s) is under investigation.

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B. Yongsmith et al. / Journal of Molecular Catalysis B: Enzymatic 10 (2000) 263-373

272

20-03-2006

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